

Aug 09, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MICHAEL P.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:18-CV-3025-JTR

ORDER GRANTING STIPULATED  
MOTION FOR REMAND  
PURSUANT TO SENTENCE FOUR  
OF 42 U.S.C. § 405(g)

**BEFORE THE COURT** is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 17. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Sarah Moum represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 7. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 17**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

On remand, the administrative law judge (ALJ) shall hold a *de novo* hearing, update the medical records, and issue a new decision. The ALJ shall:

(1) reevaluate Plaintiff's subjective symptom complaints; (2) reevaluate the

1 medical opinions of Drs. Foster and Cundiff; (3) reevaluate Plaintiff's residual  
2 functional capacity; (4) further evaluate Plaintiff's ability to perform work existing  
3 in significant numbers; and (5) obtain supplemental vocational expert testimony.  
4 The ALJ may take any other actions necessary to develop the record, and Plaintiff  
5 may present additional testimony and submit additional evidence. **The ALJ will**  
6 **not disturb the decision's findings regarding the period from April 3, 2016**  
7 **through the date of the decision.**

8 2. **Judgment shall be entered for PLAINTIFF.**

9 3. Plaintiff's Motion for Summary Judgment, **ECF No. 14**, is  
10 **STRICKEN AS MOOT.**

11 4. An application for attorney fees may be filed by separate motion.

12 The District Court Executive is directed to enter this Order, forward copies  
13 to counsel, and **CLOSE THE FILE.**

14 DATED August 9, 2018.



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A handwritten signature in black ink, consisting of a stylized 'M' followed by a horizontal line.

JOHN T. RODGERS  
UNITED STATES MAGISTRATE JUDGE